

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 ARTHUR P. BEEVER
Deputy Attorney General
6 State Bar No. 242040
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-7004
Telephone: (415) 703-5865
8 Fax: (415) 703-1234
Email: arthur.beever@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **KUN SHAN PENG,**

14 Petitioner,

15 v.

16 **JAMES TILTON, Director of the California**
17 **Department of Corrections; BEN CURRY,**
18 **Warden,**

19 Respondent.

C 07-4797 MMC (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME TO FILE
RESPONSE**

20 I, Arthur P. Beever, declare under penalty of perjury as follows:

21 1. I am a Deputy Attorney General for the State of California and am assigned to
22 represent respondent in this habeas corpus case.

23 2. On April 10, 2008, this Court issued an Order to Show Cause why the petition for a
24 writ of habeas corpus should not be granted. The California Attorney General's Office in San
25 Francisco docketed the order on April 18, 2008.

26 3. I am unfamiliar with the case. I have begun attempting to secure a copy of the state
27 court record on direct appeal. However, I am presently unable to begin working on this case because
28 I am preparing the response in *Lowe v. Walker* (C 08-005). In the past 90 days, I filed Answers in

1 the previously assigned cases of *Thigpen v. Adams* (C 07-4028) and *Johnson v. Kane* (C 07-4417),
2 the Respondent's Brief On The Merits in *People v. Stevens* (California Supreme Court case number
3 S158852), and supplemental briefing requested by the California Court of Appeal in *People v. Ray*
4 (A115103). I also appeared for oral argument in *People v. Leal* (H030415) and *People v. Ray*. I
5 have four other previously assigned cases. Once I have completed those cases, I will devote
6 substantially all of my time to working on this case.

7 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner
8 who is representing himself in this case.

9 5. Accordingly, I respectfully request that this Court grant an extension of time to and
10 including September 7, 2008, in which to file a response to the order to show cause.

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12 Dated: July 9, 2008

13 Respectfully submitted,

14 EDMUND G. BROWN JR.
Attorney General of the State of California

15 DANE R. GILLETTE
Chief Assistant Attorney General

16 GERALD A. ENGLER
Senior Assistant Attorney General

17 PEGGY S. RUFFRA
Supervising Deputy Attorney General

18
19
20 /s/ Arthur P. Beever
ARTHUR P. BEEVER
21 Deputy Attorney General
22 Attorneys for Respondent
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